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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/673,264	12/14/2000	Howard Thomas	CE30148P	3811

7590 10/02/2003

Jonathan P Meyer
Motorola Inc Intellectual Property Section
Law Department
1303 East Algonquin Road
Schaumburg, IL 60196

EXAMINER

SMITH, SHEILA B

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 10/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/673,264

Applicant(s)

THOMAS ET AL.

Examiner

Sheila B. Smith

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
2. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Birchler et al. (U.S. Patent Number 6,161,015) in view of Durque-Anton et al. (U.S. Patent Number 5,475,868).

Regarding claims 1-3 and 6-7, Birchler et al. discloses essentially all the claimed invention as set fourth in the instant application, further Birchler et al. discloses a method for improving communication coverage in multi-cell communication systems using location information. In addition Birchler et al. discloses a mobile communication network (600) comprising a group of cells (104,120,136,101,112,134,144,108,124,140) with a common simulcast carrier (150) carrying signaling information, at least a first cell (134) being associated with a first traffic carrier (which reads on signal from controller 150), wherein at least a first mobile station (128) is arranged to intermittently perform an handover to the common simulcast carrier, and means for performing measurements of the radio environment when the mobile

station (128) is using the common simulcast carrier (as exhibited in figure 1 and which reads on column 4 lines 1-15), however, Birchler et al. fails to specifically disclose the use of intermittently perform an intracell handover.

In the same field of endeavor, Durque-Anton et al. discloses an a cellular radio system having channel evaluation and optimal channel selection via trial use of non-assigned channels. In addition Durque-Anton et al. discloses the use of a intermittently perform an intracell handover as disclosed in column 1 lines 40-50.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Birchler et al. by modifying the method for improving communication coverage in multi-cell communication systems using location information as taught by Durque-Anton et al. for the purpose of obtaining maximum user capacity.

Regarding *claim 3 and 4*, Birchler et al. discloses everything claimed as applied above (see claim 1), in addition Birchler et al. discloses a clock means is arranged to generate a signal instructing said intracell handover as disclosed in column 6 lines 42-44.

Regarding *claim 5, 11*, Birchler et al. discloses everything claimed as applied above (see claim 1), however, Birchler et al. fails to specifically disclose signal instructing said intracell handover is arranged to be generated in response to a measurement of received signal level or quality of a radio. transmission from a mobile station, and a GSM network.

In the same field of endeavor, Durque-Anton et al. discloses a cellular radio system having channel evaluation and optimal channel selection via trial use of non-assigned channels. In addition Durque-Anton et al. discloses the use of a signal instructing said intracell handover is

arranged to be generated in response to a measurement of received signal level or quality of a radio transmission from a mobile station as disclosed in column 1 lines 40-50, and a GSM network as disclosed in column 1 lines 20-28.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Birchler et al. by modifying the method for improving communication coverage in multi-cell communication systems using location information as taught by Durque-Anton et al. for the purpose of obtaining maximum user capacity.

Regarding claim 8, Birchler et al. discloses everything claimed as applied above (see claim 1), in addition Birchler et al. discloses base stations (106, 122, 138, 102, 114) in different cells (104,120,136,101,112,134,144,108,124,140) are arranged to measure transmitted signal level and/or signal quality from a plurality of mobile stations in such new uplink channels and the network is arranged to process the measurements to determine the distribution of mobile stations within the network (as exhibited in figure 1 and which reads on column 4 lines 1-15).

Regarding claim 9, 10, Birchler et al. in view of Durque-Anton et al. discloses everything claimed as applied above (see claim 1), in addition Birchler et al. discloses a base station (106, 122, 138, 102, 114) of a cell from which the intracell handover is made is arranged to be retuned to receive on a frequency different from the first traffic channel while traffic is being handled by the common simulcast carrier(as exhibited in figure 1 and which reads on column 4 lines 1-15).

Regarding claims 12, 13, Birchler et al. discloses essentially all the claimed invention as set forth in the instant application, further Birchler et al. discloses a method for improving communication coverage in multi-cell communication systems using location information. In addition Birchler et al. discloses a mobile communication network (600) comprising a group of cells (104,120,136,101,112,134,144,108,124,140) with a common simulcast carrier (150) carrying signaling information, at least a first cell (134) being associated with a first traffic carrier (which reads on signal from controller 150), wherein at least a first mobile station (128) is arranged to intermittently perform an handover to the common simulcast carrier, and means for performing measurements of the radio environment when the mobile station (128) is using the common simulcast carrier (as exhibited in figure 1 and which reads on column 4 lines 1-15), however, Birchler et al. fails to specifically disclose the use of intermittently perform an intracell handover.

In the same field of endeavor, Durque-Anton et al. discloses an a cellular radio system having channel evaluation and optimal channel selection via trial use of non-assigned channels. In addition Durque-Anton et al. discloses the use of a intermittently perform an intracell handover as disclosed in column 1 lines 40-50.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Birchler et al. by modifying the method for improving communication coverage in multi-cell communication systems using location information as taught by Durque-Anton et al. for the purpose of obtaining maximum user capacity.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-0104.

S. Smith
September 22, 2003


SINH TRAN
PRIMARY EXAMINER